Basic information

2004/0146(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Air transport: Community air traffic controller licence, Single European Sky package Repealed by 2008/0128(COD) **Subject** 3.20.01 Air transport and air freight 3.20.01.01 Air safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	DE VEYRAC Christine (PPE-DE)	17/11/2005

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	SCHMITT Ingo (PPE-DE)	28/07/2004

Former committee for opinion	Former rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2671	2005-06-27
Transport, Telecommunications and Energy	2629	2004-12-09
Education, Youth, Culture and Sport	2689	2005-11-14

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary

12/07/2004	Legislative proposal published	COM(2004)0473	Summary
13/10/2004	Committee referral announced in Parliament, 1st reading		
09/12/2004	Debate in Council		
02/02/2005	Vote in committee, 1st reading		Summary
11/02/2005	Committee report tabled for plenary, 1st reading	A6-0038/2005	
07/03/2005	Debate in Parliament		
08/03/2005	Decision by Parliament, 1st reading	T6-0063/2005	Summary
08/03/2005	Results of vote in Parliament		
23/06/2005	Modified legislative proposal published	COM(2005)0293	Summary
14/11/2005	Council position published	10724/2/2005	Summary
17/11/2005	Committee referral announced in Parliament, 2nd reading		
24/01/2006	Vote in committee, 2nd reading		Summary
25/01/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0007/2006	
15/02/2006	Decision by Parliament, 2nd reading	T6-0059/2006	Summary
15/02/2006	Results of vote in Parliament		
05/04/2006	Final act signed		
05/04/2006	End of procedure in Parliament		
27/04/2006	Final act published in Official Journal		

Technical information

Procedure reference	2004/0146(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2008/0128(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/31895

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0038/2005	11/02/2005	

Text adopted by Parliament, 1st reading/single reading		T6-0063/2005 OJ C 320 15.12.2005, p. 0015-0050 E	08/03/2005	Summary
Committee recommendation tabled for plenary, 2nd reading		A6-0007/2006	25/01/2006	
Text adopted by Parliament, 2nd reading		T6-0059/2006	15/02/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	13457/2005	24/10/2005	
Council position	10724/2/2005 OJ C 316 13.12.2004, p. 0001-0018 E	14/11/2005	Summary
Draft final act	03606/2006	05/04/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2004)0473	12/07/2004	Summary
Modified legislative proposal	COM(2005)0293	23/06/2005	Summary
Commission communication on Council's position	COM(2005)0574	15/11/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0246/2005 OJ C 234 22.09.2005, p. 0017-0019	09/03/2005	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2006/0023
OJ L 114 27.04.2006, p. 0022-0037 Summary

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 12/07/2004 - Legislative proposal

PURPOSE : to increase safety standards and to improve the operations of the Community air traffic control system through the issuance of a Community air traffic controller licence.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTENT : this proposal aims to introduce a Community licence for air traffic controllers. The decision forms part of the implementing rules of the Single European Sky and will contribute to safety and the cross-border provision of air navigation services.

The adoption of the Single European Sky legislation earlier this year triggered off a range of implementing regulations. Furthermore, this legislation paved the way to the development of a specific proposal for a Community licence for air traffic controllers in order to ensure common qualification levels. It will enable the necessary harmonisation of the current patchwork of national licensing schemes that the existing international standards developed in the framework of ICAO and Eurocontrol have not adequately addressed up to now. Nonetheless the proposal builds on material developed by Eurocontrol and is fully consistent with it, in order to facilitate its integration into national law.

The new Community license aims at harmonising the licensing systems for controllers and promoting the mutual recognition of national licences. This is an important social aspect of the Single European Sky. The proposal will equally reinforce safety levels of air traffic management by introducing common standards for the European training system. Finally a more flexible use of manpower is likely to facilitate the organisation of cross-border service provision and the establishment of functional airspace blocks.

Every link of the licensing chain is regulated: the institutional framework; the conditions for access to the profession; the structure of competences to ensure transparency and comparability; training standards appropriate to the complex and dense European air traffic environment, including linguistic and medical requirements.

Lastly, the adoption of the four regulations composing the Single European Sky package will fundamentally change the air traffic management landscape. This complementary proposal for a Community air traffic controller licence is important for several reasons.

- The licence contributes to the balance between the different elements of the Single European Sky package, to ensure that not only institutional, economic or technical aspects are dealt with, but also social aspects.

- The licence is part of a wider safety policy enshrined in the package: it should provide the opportunity to revise or reinforce safety aspects of air traffic management and introduce high standards for the training system.

- The Single European Sky legislation will lead to the establishment of cross-border functional airspace blocks. The consolidation process of air navigation service providers will require more flexible use of manpower. The licence will facilitate the organisation of transnational work.

- The proposal will recognise training as a specific service and contribute to the quality of the different types of training. The certification process would effectively create a level playing field for training services.

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 05/04/2006 - Final act

PURPOSE: the establishment of a “Community air traffic controller licence”.

LEGISLATIVE ACT: Directive 2006/23/EC of the European Parliament and of the Council on a Community air traffic controller licence.

CONTENT: this Act forms part of the “Single European Sky” legislation. The objective of the Directive is to increase safety standards and to improve the operation of the EU’s air traffic control system by issuing a Community air traffic controller licence. The Directive applies to student air traffic controllers and to air traffic controllers, who offer their services to aircraft movement of general air traffic.

This Directive sets our a comprehensive set of provisions on the establishment of a Community licence in which the following rules apply:

- Member States will be responsible for setting up “national supervisory authorities” who will be responsible for assuming the tasks set out in the Directive. For example, certifying the technical and operational competence of training courses and issuing any certificates. They must be independent of air navigation service providers and of training providers.

- Any provider of air traffic control services may only provide personnel who are holders of the Community licence.

- Various conditions are set out for obtaining a licence and include, variously, holding a valid medical certificate plus age requirements. The exact training and examination requirements have been set out in Annex to the Directive and are based on international standards.

- Provisions are given relating to air traffic controller ratings as well as rating endorsements.

- Air traffic controllers must be able to prove that they can demonstrate an ability to speak and understand English to a satisfactory standard. Their proficiency will be determined in accordance with language proficiency ratings which are set out in Annex. For reasons of safety, Member States may impose local language requirements.

- Member States are obliged to recognise licences and their associated ratings, rating endorsements and language endorsements issued by the national supervisory authority of another Member State .

- Member States will be responsible for establishing penalties applicable to infringements of the national provisions. The penalties must be effective, proportionate and dissuasive. Member States must notify these provisions to the Commission by 17 May 2008.

TRANSPOSITION: 17 May 2008. Provisions concerning “Language Endorsements” (article 8) must be brought into force before 17 May 2010.

ENTRY INTO FORCE: 17 May 2006.

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 08/03/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Ingo SCHMITT (EPP-ED, DE). (Please refer to the summary dated 02/02/2005).

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 14/11/2005 - Council position

The common position reflects the outcome of informal contacts between the Parliament, the Commission and the Council. Although the proposal has been restructured to make it more logical and readable, in essence the common position text retains all the principal elements proposed by the Commission.

The main changes made to the Commission’s proposal are as follows:

- **Scope**: The impact of the Directive on civil air traffic controlled by service providers primarily dealing with military traffic was adjusted to align the approach with that taken under the Single Sky Regulations;
- **Social questions**: The recitals were used to clarify, in response to concerns from the European Parliament, that the Directive would not impact upon existing national provisions governing the employment relationship between controllers and employers, and that further implementing measures would involve consultation of the social partners at European level.
- **Language requirements:** Although the basic requirement for language proficiency at operational level (level 4) proposed by the Commission is retained (for English and, when deemed necessary for safety, for a local language), the common position also permits expert level (level 5) for imperative reasons of safety.
- **Improved mutual recognition**: Licences and all their associated ratings, rating endorsements, language endorsements and medical certificates are clearly made subject to the principle of mutual recognition without conditions. Only the geographically specific unit endorsements, for which particular conditions can be imposed by the national authority, remain outside this automatically recognised "community passport". In addition a licence holder working in a Member State other than the one which issued his/her licence, has the right to exchange the licence for one issued by the country in which he/she is working.
- **Roles of the national supervisory authorities in cross-border cases**: The common position clarifies that it is only the national authority which issues licences, ratings and endorsements that has the power to withdraw them. However, the national authority of the Member State where the controller is working is responsible for the maintenance of ratings and endorsements and can also suspend them temporarily.
- **Transitional arrangements for existing licence holders**: Existing licence holders are exempted from the age and educational requirements for accessing the profession and from the requirement to complete approved initial training.
- **Minimum and maximum ages:** The minimum age (for a student licence) is fixed at 18, but the recognition of licenceholders from other Member States is only obligatory for those aged 21 and above. A Member State retains the freedom to impose a maximum age, but only as a condition relating to a specific unit endorsement.
- **Additional harmonization**: The common position includes some additional harmonisation regarding the specifications for licences (a new Annex I) and requirements for training providers (an expanded Annex IV).
- **Deletion of unnecessary provisions on accounting standards for training providers:** The provisions of Article 11 of the Commission proposal on accounting management for training providers were considered excessive and unnecessary by both Council and Parliament, and do not feature in the common position text.

The Council has noted the undertaking given by the President of the Parliament's TRANSPORT Committee, in the context of these contacts, to recommend this text for approval by the Parliament without amendment in second reading, following which the Directive will be deemed to have been adopted in accordance with the common position.

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 23/06/2005 - Modified legislative proposal

The European Parliament adopted 21 amendments, of which the Commission accepts 18. However, the Commission is not able to accept three of the Parliament amendments.

The Commission supports all amendments relating to drafting or highlighting the importance of safety standards. It also supports the position of the Parliament with regard to amendments where a delicate balance is struck between safety requirements and mobility expectations, covering “national” endorsements and the linguistic regime.

In addition, the amended proposal introduces a specific approval procedure of the linguistic test instead of a complete certification procedure, as suggested by Parliament. A reformulation of Article 8 par. 4 is needed. It should state that Member States may impose local language requirements when deemed necessary for safety purposes. Member States may in certain cases and for reasons of safety, require level 5 of the language proficiency rating scale, as specified in Annex II, in English and/or the local language where the operational circumstances of the rating or the endorsement so require. Any such requirement must be objectively justified, non-discriminatory, proportionate and transparent. Proficiency shall be demonstrated by a certificate issued after a transparent and objective assessment procedure approved by the national supervisory authority.

With regard to accounting standards, the Commission supports the amendment proposing the

deletion of Article 11 par. 1.

As regards the amendments accepted in part or in principle by the Commission, it supports the idea of follow-up of the implementation of the Directive by social partner organisations and of the reference to national social law and regulations in case of mobility, on the condition that these ideas are reflected in recitals in the appropriate form of legal drafting. The idea of security training and crisis management would be referred to in Annex I Part A dealing with initial training issues.

Further amendments would lead to the following reformulation of recital 16 and annex I Part A and to the introduction of a new recital 16(a): this Directive may have an impact on the daily working practices of air traffic controllers. The social partners should be informed and consulted in an appropriate way on all measures having significant social implications. Therefore, the Sectoral Dialogue Committee set up under Commission Decision 1998/500/EC of 20 May 1998 on the

establishment of Sectoral Dialogue Committees promoting the dialogue between the social

partners at European level has been consulted and should be consulted on any further developments. On Annex I Part A, initial training shall cover the following subjects: Aviation Law, Air Traffic Management, including Procedures for Civil-Military Co-operation, Meteorology, Navigation, Aircraft and Principles of Flight, including an understanding between air traffic

controller and pilot, Human Factors, Equipment and Systems, Professional Environment, Unusual/Emergency Situations, including security and crisis management, Degraded Systems, Linguistic Knowledge, including radiotelephony Phraseology.

Member States should ensure that the rights and obligations applicable to the employment relationship between the air traffic controller and employer are governed by the provisions applicable in the Member State where the air traffic controller usually performs his/her work, irrespective of the airspace under his responsibility.

Lastly, concerning the amendments refused, the Commission cannot support the amendment concerning the international accounting standards as it is of the opinion that these are sufficiently covered by other Community legislation. Furthermore, the Commission does not support the amendment which would lead to a delay of the introduction of the Community standards and the co-existence of both the Community and the national systems of licences. Another amendment is rejected as it deviates from the standard clause on sanctions.

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 27/06/2005

The Council reached political agreement on a proposal for a Directive on a Community air traffic controller licence. The compromise text, which has been accepted by the Council, takes account of the positions of the European Parliament following the informal contacts undertaken by the Presidency with the Parliament on this issue. This should enable the text to be rapidly adopted at second reading, without any further amendment.

The licence is considered to be an essential contribution both to safety, particularly in the creation of cross-border functional airspace blocks as provided for in the Single European Sky framework, and to the free movement of controllers within the Community.

In general, the compromise text takes into account legitimate concerns about increasing safety, and the mobility and free movement of air traffic controllers. In line with the Commission's original proposal, the compromise text introduces high Community standards for entry conditions to the profession, the structure of qualifications, the content of initial training and linguistic knowledge.

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 15/02/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Christine **DE VEYRAC** (EPP-ED, FR), approving the Council's common position.

Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 15/11/2005 - Commission communication on Council's position

The Commission is of the opinion that the common position adopted by the Council does not alter the objectives of its proposal and therefore can support it particularly because the common position takes due account of the amendments proposed by the European Parliament in its first reading and the Commission's amended proposal. Indeed, the text reflect the interinstitutional discussions which have allowed a compromise text to be identified.

Following the adoption of the common position, the Commission made the following unilateral declaration: The Commission will undertake an impact assessment on the desirability of extending training qualifications and licensing to professions other than air traffic controllers, involved in the ATM safety chain.